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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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10 Randy Wayne Herzog,)
11 Petitioner,) No. CV-08-1801-PHX-PGR (DKD)
12 vs.)
13 Charles L. Ryan, et al.,) ORDER
14 Respondents.)
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16 Having reviewed *de novo* the Report and Recommendation of Magistrate
17 Judge Duncan notwithstanding that no party has filed any objections to the
18 Report and Recommendation, the Court finds that the Magistrate Judge correctly
19 concluded that all of the petitioner's claims set forth in his habeas corpus petition,
20 filed pursuant to 28 U.S.C. § 2254, should be denied as legally meritless.

21 Therefore,

22 IT IS ORDERED that the Magistrate Judge's Report and Recommendation
23 (doc. 24) is accepted and adopted by the Court.

24 IT IS FURTHER ORDERED that the petitioner's Petition Under 28 U.S.C.
25 § 2254 for a Writ of Habeas Corpus by a Person in State Custody is denied and
26 that this action is dismissed with prejudice. The Clerk of the Court shall enter

1 judgment accordingly.

2 IT IS FURTHER ORDERED that no certificate of appealability shall issue.

3 DATED this 14th day of July, 2010.

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Paul G. Rosenblatt
United States District Judge